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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. (Cr) 02 **/2006**

P.R. No. 7732/06
Presented by Shri Rajesh Aman Keshwani
dated 21/12/06

PETITIONER

Rajesh Sharma, S/o. Shri Banwari Lal Sharma, aged about 33 years, R/o. Kotra Road, Near Police Station, Raigarh District Raigarh (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Department of Home affairs, D.K.S. Bhavan, Mantralaya, Raipur (C.G.)

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2. Superintendent of Police, Raigarh (C.G.)

3. Station House Officer, City Kotwali, Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226/[redacted] OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C) 02/07 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22.1.2007:

Mr. Manindra Shrivastava learned Sr. Counsel with Shri Sunil Otwani for the petitioner.

Mr. Vinay Harit learned Dy. AG appears for the respondents/State.

The petitioner has filed this petition against the inaction of the respondents in not registering the offence despite the fact that the report lodged by the petitioners is for the cognizable offence.

The grievance of the petitioner is that the petitioner and two other persons namely Umesh Sharma and Kishorilal Sharma were the directors of the Company registered under the Companies Act. However, the above two persons with a conspiracy to oust the petitioner from the Company gave a false statement before the Company Law Board that the petitioner has resigned from the Company though the petitioner never submitted such resignation and thereby they attempted to oust the petitioner from the Company and deprived him with the assets of the Company.

Learned counsel for the petitioner submits that on the report of the petitioner an inquiry was conducted by the Dy. Superintendent of Police, Kharsia, Raigarh but the said officer after conducting inquiry has given a report that no cheating or dishonesty has been practiced as alleged in the complaint. The complaint is baseless and false and the nature of dispute is of civil nature. He submits that this report was submitted on 29.5.2006, however, even after this report detailed statement of the petitioner was recorded on 22.8.2006 and thereafter there is no progress in the inquiry.

P.T.O.

XI-HC-78

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I have heard learned counsel for the petitioner as also for respondents/State and perused the report of Annexure P-7.

From the averments made in the petition and report of Annexure P-7 prima facie it appears that some detailed investigation was conducted on the complaint of the petitioner by the Police as per the direction of the concerned Superintendent of Police. It further transpires that the inquiry is still going on.

In the aforesaid circumstances, no case is made out in favour of the petitioner for direction to the respondents to register the offence as the inquiry is still going on.

With the aforesaid observations the petition is disposed of at this stage.

Sd/-
Dhirendra Mishra
Judge

P.T.O.